

Office of the Secretary, Interior

§ 44.54

fiscal year following Federal acquisition.

(3) The Department disburses payment of the deferred amount until the total amount deferred during the first 5 years is paid in full.

STATE AND LOCAL GOVERNMENTS' RESPONSIBILITIES AFTER THE DEPARTMENT DISTRIBUTES PAYMENTS

§ 44.50 What are the local governments' responsibilities after receiving payments under this part?

(a) The local government may use section 6902 payments for any governmental purpose.

(b) Within 90 days of receiving sections 6904 and 6905 payments, the local government must distribute the funds to the affected units of general local government and affected school districts. The affected units of general local government and school districts may use sections 6904 and 6905 payments for any governmental purpose.

(c) The local government must distribute section 6904 and 6905 payments in proportion to the tax revenues assessed and levied by the affected units of general local government and school districts in the Federal fiscal year before the Federal Government acquired the entitlement lands. The Redwoods Community College District in California is an affected school district for this purpose.

(d) Within 120 days of receiving payments, the local government must certify to the Department that it has made an appropriate distribution of funds.

§ 44.51 Are there general procedures applicable to all PILT payments?

(a) The minimum payment that the Department will disburse to any local government is \$100.00 (one hundred dollars).

(b) If Congress appropriates insufficient monies to provide full payment to each local government during any fiscal year, the Department will reduce proportionally all payments in that fiscal year.

§ 44.52 May a State enact legislation to reallocate or redistribute PILT payments?

A State may enact legislation to reallocate or redistribute PILT payments. If a State enacts legislation, it must:

(a) Notify the Department if the legislation requires reallocating or redistributing payments to smaller units of general local government (see 31 U.S.C. 6907);

(b) Provide the Department a copy of the legislation within 60 days of enactment;

(c) Provide the name and address of the State government office to which the Department should send the payment;

(d) Distribute funds to its smaller units of general local government within 30 days of receiving the payment; and

(e) Not reduce the payment made to smaller units of general local government to pay the cost of State legislation which reallocates or redistributes payments.

§ 44.53 What will the Department do if a State enacts distribution legislation?

If a State enacts distribution legislation, the Department will:

(a) Notify the State that a single payment will be disbursed to the designated State government office beginning with the Federal fiscal year following the fiscal year in which the State enacted legislation; and

(b) Provide the State with information that identifies the entitlement lands data on which the Department bases the payment.

§ 44.54 What happens if a State repeals or amends distribution legislation?

(a) If a State repeals or amends distribution legislation, the State must immediately notify the Department in writing of this fact and send the Department a copy of the new law.

(b) When the Department receives a notification under paragraph (a) of this section, it must:

(1) Determine if the State's process complies with 31 U.S.C. 6907. If the Department determines that it does not, we must notify the designated State

§ 44.55

government office that the Department will disburse payment directly to the eligible local governments; and

(2) Start the payments:

(i) In the current Federal fiscal year, if the Department receives a copy of the State's amendatory legislation before July 1; or

(ii) Start the payments in the next Federal fiscal year, if the Department receives a copy of the State's amendatory legislation after July 1.

§ 44.55 Can a unit of general local government protest the results of payment computations?

Any affected local government may file a protest with the Department.

§ 44.56 How does a unit of general local government file a protest?

The protesting local government must:

(a) Submit evidence to indicate the possibility of errors in the computations or the data on which the Department bases the computations; and

(b) File the protest by the first business day of the calendar year following the end of the fiscal year for which the Department made the payments.

§ 44.57 Can a unit of general local government appeal a rejection of a protest?

Any affected local government may appeal the Department's decision to reject a protest to the Interior Board of Land Appeals under 43 CFR part 4.

PART 45—CONDITIONS AND PRESCRIPTIONS IN FERC HYDRO-POWER LICENSES

Subpart A—General Provisions

Sec.

45.1 What is the purpose of this part, and to what license proceedings does it apply?

45.2 What terms are used in this part?

45.3 How are time periods computed?

45.4 What deadlines apply to pending applications?

Subpart B—Hearing Process

REPRESENTATIVES

45.10 Who may represent a party, and what requirements apply to a representative?

43 CFR Subtitle A (10–1–10 Edition)

DOCUMENT FILING AND SERVICE

45.11 What are the form and content requirements for documents under this subpart?

45.12 Where and how must documents be filed?

45.13 What are the requirements for service of documents?

INITIATION OF HEARING PROCESS

45.20 What supporting information must a bureau provide with its preliminary conditions or prescriptions?

45.21 How do I request a hearing?

45.22 How do I file a notice of intervention and response?

45.23 When will hearing requests be consolidated?

45.24 How will the bureau respond to any hearing requests?

45.25 What will DOI do with any hearing requests?

45.26 What regulations apply to a case referred for a hearing?

GENERAL PROVISIONS RELATED TO HEARINGS

45.30 What will the Hearings Division do with a case referral?

45.31 What are the powers of the ALJ?

45.32 What happens if the ALJ becomes unavailable?

45.33 Under what circumstances may the ALJ be disqualified?

45.34 What is the law governing ex parte communications?

45.35 What are the requirements for motions?

PREHEARING CONFERENCES AND DISCOVERY

45.40 What are the requirements for prehearing conferences?

45.41 How may parties obtain discovery of information needed for the case?

45.42 When must a party supplement or amend information it has previously provided?

45.43 What are the requirements for written interrogatories?

45.44 What are the requirements for depositions?

45.45 What are the requirements for requests for documents or tangible things or entry on land?

45.46 What sanctions may the ALJ impose for failure to comply with discovery?

45.47 What are the requirements for subpoenas and witness fees?

HEARING, BRIEFING, AND DECISION

45.50 When and where will the hearing be held?

45.51 What are the parties' rights during the hearing?

45.52 What are the requirements for presenting testimony?